

(b) REMARKS

The claims are 1-34 with claims 1, 9, 23, 25, 31 and 34 being independent. The Examiner has required restriction between Group I, claims 1-24, drawn to a chemical composition and Group II, claims 25-34, said to be drawn to a method of making a specific material. As a reason for requiring restriction, the Examiner argues the material in Group I does not require a thin film to be made by the MOCVD process of Group II. The grounds of restriction are respectfully traversed.

Initially, the Examiner argues that claims 25-30 and 34 are in Group II, drawn to a method of making a specific material. However, claims 25-30 are directed to a product. Such claims are directed to a thin film "formed by MOCVD". This is a classic product-by-process claim format. A product formed by a process for making is deemed to be a product claim and not a claim for a method of making the material. The Examiner's attention is also directed to claim 17 which is in Group I. Claim 17 recites that "the film is formed by MOCVD". Accordingly, since it is clear that claim 17 is product claim, then likewise, claims 25-30 should also be deemed product claims.

In addition, claims 26-30 depend from earlier Group I product claims 1, 9, 23 (and 25). Since claims 1, 9 and 23 were aligned in Group I and claim 25 should also have been in Group I, then claims 26-30, should, likewise, be a member of Group I.

Claim 34 is directed to a thin film and has no process limitations. Accordingly, claim 34 is clearly a product claim and should be a member of Group I.

Accordingly, Applicants request that the restriction requirement be revised so that Group I includes claims 1-30 and 34 and Group II includes claims 31-33.

Applicants provisionally elect with traverse the claims of Group I, now recited to be claims 1-24, and request that Group I be expanded to include claims 25-30 and 34.

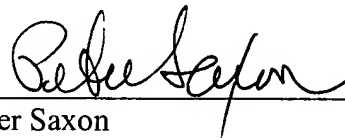
It is also requested that the claims of Group II be rejoined with the claims of Group I, should allowable subject matter be indicated in Group I. Rejoinder is requested under M.P.E.P. §821.04.

Finally, Applicants request that the Examiner await receipt of a preliminary amendment which will be filed shortly, in order that certain typographical and syntax errors in the claims be corrected. If the Examiner takes this application up for action before receipt of the preliminary amendment, the Examiner is requested to contact the undersigned to determine the status of the preliminary amendment.

An early and favorable action on the merits is respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Peter Saxon", written over a horizontal line.

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